



Senator Rockefeller's Floor Remarks on SSCI Study

Remarks As Prepared for Delivery

December 9, 2014

Mr. President, I come to the floor to wholly support the comments of my colleagues, the Senator from California and the Senator from Arizona, to speak about a matter of great importance to me personally, and to the country.

The Senate Intelligence Committee's entire Study on the CIA's Detention and Interrogation Program is the most in-depth and substantive oversight initiative that the Committee has ever undertaken. It presents extremely valuable insights into crucial oversight questions and problems that need to be addressed at the CIA.

Moreover, this Study exemplifies why this Committee was created in the first place - following the findings of the Church Committee nearly 40 years ago - and I commend my friend and the Committee's leader, the Senator from California, for shepherding this landmark initiative to this point. For years, often behind closed doors and without recognition, she has been a strong and truly tireless advocate. She deserves our recognition now.

It is my hope and expectation that beyond the initial release of the Executive Summary and Findings and Conclusions, the entire 6,800 page Study will eventually be made public with the appropriate redactions. Those public findings will be critical to fully learning the necessary lessons from this dark episode in our nation's history, and to ensuring that this never happens again.

It has been a long, hard fight to get to this point. Especially in the early years of the CIA's Detention and Interrogation Program, it was a struggle for the Committee to get the most basic information – or any information at all – about the program.

The Committee's Study of the Detention and Interrogation Program is not just the story of the brutal and ill-conceived program itself. This Study is also the story of the breakdown in our system of governance that allowed the country to deviate, in such a significant way, from our core principles.

One of the profound ways that breakdown happened was through the active subversion of meaningful congressional oversight – a theme mirrored in the Bush Administration’s warrantless wiretapping program during the same period.

I first learned about some aspects of the CIA’s Detention and Interrogation Program in 2003, when I became Vice Chair of the Committee. At that point, and for years after, the CIA refused to provide me with additional information I requested about the program, and they further refused to notify the full Committee about the program’s existence.

The briefings I received provided little or no insight into the CIA’s program. Questions or follow up requests were rejected, and at times I was not allowed to consult with my counsel or other members from my staff.

It was clear that the briefings were not meant to answer my questions, but were intended only to provide cover for the Administration and the CIA. It was infuriating to realize that I was part of a box checking exercise the Bush Administration planned to use – and later did use – so they could disingenuously claim that they had “fully briefed Congress.”

In the years that followed, I fought – and lost – many battles to obtain credible information about the Detention and Interrogation Program. As Vice Chair I tried to launch a comprehensive investigation into the program, but that effort was blocked. Later, in 2005, when I fought for access to over 100 specific documents cited in the Inspector General report, the CIA refused to cooperate.

The first time the full Senate Intelligence Committee was given any information about the CIA’s Detention and Interrogation Program was September 2006. This was years after the program’s inception, and the same day President Bush informed the public of the program’s existence.

The following year, when I became Chairman, the new Vice Chairman, Kit Bond, agreed with me to push for significant additional access to the program – including Senators’ access to our staff’s counsel on these matters. We finally prevailed and got this access, which enabled us to have much needed hearings on the program, and we did.

As Chairman, I made sure we scrutinized it from every angle. However, the challenge of getting accurate information from the CIA persisted.

It was during this time period that the House and Senate considered the 2008 Intelligence Authorization Act, and a potential provision that set the Army Field Manual as the interrogation standard for the entire government. This would have effectively ended the CIA’s “enhanced interrogation techniques,” a term eerily sanitized in bureaucratic jargon for what, in a number of cases, amounted to torture.

As Chairman, I knew that inclusion of the Army Field Manual provision would jeopardize the entire bill, which I was committed to seeing signed into law, but in the end it was an easy decision.

I supported including the provision to end the CIA's program because it was the right thing to do, and I did it because Congress needed to send a clear signal that it did not stand by the Bush Administration's policy.

The House and Senate went on to pass the bill with bipartisan majorities, and although the Bush Administration vetoed the bill to preserve its ability to continue these practices, it was an important symbolic moment.

In the same time period, I also sent two Committee staffers to begin reviewing cables at the CIA regarding the agency's interrogations of Abu Zubaydah and al-Nashiri.

I firmly believed we had to review those cables, which are now the only source of important historical information on this topic because the CIA destroyed its videotapes of the interrogation sessions. The CIA destroyed these tapes against the explicit direction of the White House and the Director of National Intelligence.

The investigation I began in 2007 grew under Chairman Feinstein's dedication and tremendous leadership into a full study of the CIA's Detention and Interrogation Program. The more the Committee dug, the more it found, and the results we uncovered are both shocking and deeply troubling.

First, the Detention and Interrogation Program was conceived by people who were ignorant of the topic and made it up on the fly based on the untested theories of contractors who had never met a terrorist or conducted a real-world interrogation of any type.

Second, it was executed by personnel with insufficient linguistic and interrogation training, and little if any real-world experience.

Moreover, the CIA was aware that some of these personnel had a staggering array of personal and professional failings that included criminal activity and should have disqualified them immediately not only from being interrogators, but from being employed by the CIA at all. Nevertheless, it was consistently represented that these interrogators were professionalized and carefully vetted, and that became part of the hollow legal justification of the program.

Third, the program was managed incompetently by senior officials who paid little or no attention to crucial details, and it was rife with troubling personal and financial conflicts of interest among the small group of CIA officials and contractors who promoted and defended it.

Fourth, it was physically severe, far more so than any of us outside the CIA ever knew. Though waterboarding has received the most attention, there were other techniques that I personally believe may have been even worse.

Finally, its results were unclear at best, but it was presented to the White House, the Department of Justice, the Congress, and the media as a silver bullet that was indispensable to “saving lives.” In fact, it did not provide the intelligence it was supposed to provide, or that CIA officials argued it provided. To be perfectly clear, these harsh techniques were not approved by anyone – ever – for the low-bar standard of learning “useful information” from detainees.

These techniques were approved because Bush Administration lawyers and officials were told, and believed, that these coercive interrogations were absolutely necessary to elicit intelligence that was unavailable by any other collection method and would save American lives. That was simply not the case.

For me personally the arc of this story comprises more than a decade of my 30 years of work in the Senate, and one of the hardest fights of my career. Many of the worst years were during the Bush Administration, however, I did not fully anticipate how hard these last few years would be – how hard it would be, in this administration, to get this summary declassified and to tell the full story of what happened. Indeed, to my great frustration, even after months of negotiations, significant aspects of the story remain obscured by black ink.

I have great admiration for President Obama and am appreciative of the leadership role he has taken to depart from the practices of the Bush Administration on these issues. His executive order to formally end the CIA’s Detention and Interrogation Program on his second day in office is a great example.

And so it was with deep disappointment that, over the course of a number of private meetings and conversations, I came to feel that the White House’s strong deference to the CIA throughout this process has, at times, worked at cross purposes with White House’s stated interest in transparency, and has muddled what should be a clear and unequivocal legacy on this issue.

While aspiring to be the most transparent administration in history the White House continues to quietly withhold from the Committee more than 9,000 documents related to the CIA’s program.

In addition to strongly supporting the CIA’s insistence on the unprecedented redaction of fake names in the report, which obscures the public’s ability understand important connections, the administration also pushed for the redaction of information in the Committee’s Study that should not be classified – contradicting the administration’s own Executive Order on Classification.

That order clearly states that, “In no case shall... information fail to be declassified in order to conceal violations of law, inefficiency, or administrative error; [or] prevent embarrassment to a person, organization, or agency.”

In some instances the White House asked not only that information be redacted, but that the redaction itself be removed, so that it would be impossible for the reader to tell that something was hidden.

Given this, looking back, I am simply disappointed, rather than surprised, that even when the CIA inexplicably conducted an unauthorized search of the Committee's computer files and emails at an offsite facility – and even when it became clear that the intent of the search was to suppress the Committee's awareness of an internal CIA review that corroborated parts of the Committee's Study and contradicted public CIA statements - the White House's support for the CIA's leadership was unflinching.

Despite my frustrations, I have also seen, in person, how hard Chairman Feinstein has fought – against great odds - for this report. I have tried to support her thoughtful and determined efforts at every opportunity, to make sure that as much of the story can be told as possible. I am deeply proud of the product the Committee ended up with.

This may sound strange given the context, but I am also deeply proud of many of the men and women at the CIA who I have had the great opportunity to work with over my 14 years on this Committee. It is important to me to say that.

Indeed one of the most unfortunate consequences of the redaction of pseudonyms throughout the report is that it gives the false impression that many were involved in the program – when in fact there were few.

The CIA is not a monolith, and the vast majority of people who work there had absolutely nothing to do with this program. They represent exactly the kind of excellence and commitment to public service that one would hope for from our Intelligence Community, and we are lucky to have them.

Now it is time to move forward. For all of the misinformation, incompetence, and brutality in the CIA's program, the Committee's Study is not, and must not be, simply a backward looking condemnation of past mistakes. The Study presents a tremendous opportunity to develop forward looking lessons that must be central to all future intelligence activities.

The CIA developed the Detention and Interrogation Program in a time of great fear, anxiety and unprecedented crisis; but it is at these times of crisis when we need sound judgment, excellence, and professionalism from the CIA the most.

When mistakes are made, they call for self-reflection and scrutiny. For that process to begin, we first have to make sure there is an accurate public record of what happened. The public release of the Executive Summary and Findings and Conclusions is a tremendous and consequential step toward that goal.

For some I expect there will be a natural temptation to reject, cast doubt on, or rationalize parts of the Study that are disturbing or embarrassing. Indeed the CIA program's dramatic divergence from the standards that we hold ourselves to is hard to reconcile. However, we must fight that shortsighted temptation to wish away the gravity of what this Study found.

How we deal with this opportunity to learn, and improve, will reflect on the maturity of our democracy.

As a country, we are strong enough to bear the weight of our mistakes, and as an institution, so is the CIA. We must confront this dark period in our recent history with honesty and critical introspection. We must draw lessons, and we must apply those lessons as we move forward. Although it may be uncomfortable at times, ultimately we will grow stronger, and we will ensure that this never happens again.